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December 11, 2023

Hon. Sarah L. Cave  
By ECF only

Re: *Satanic Temple v. Newsweek* (22-cv-1343) – supplemental issue

Dear Judge Cave:

I write to request supplementation of discovery issues for resolution at the December 13, 2023 teleconference. ECF 71. The issue is whether it was appropriate for Julia Duin to redact portions of her written communications with the *Johnson* defendants (aka “Queer-Satanic”) prior to them agreeing to serve as sources for the subject article. The subpoena duces tecum sought production of:

all social media messages, dated from April 29, 2021 through November 1, 2021, between you and ... @QueerSatanic.

The parties conferred in good faith on this issue by video conference on December 11, 2023.

## **1: Plaintiff’s position**

The information sought is relevant to the issues of actual malice and punitive damages. Duin testified that she had to “talk them into doing the interview.” Duin Depo., at 92:16-17; see also 95:1-4 (Duin ultimately persuaded them that an interview would help them).

The redacted materials appear to be Duin’s efforts to persuade

QueerSatanic into believing that an interview would aid their efforts to harm TST's interests. This is relevant to the First Amendment privilege because it tends to substantiate the assertion that Duin had a particular article she intended to publish, irrespective of the truth of the matters asserted. Additionally, the same information is relevant to punitive damages because it tends to suggest that Duin undertook the article for the purpose of harming TST's interests. The Court has already agreed with this position when ordering Newsweek to produce the supplemental emails from Nancy Cooper and Julia Duin. ECF 61.

Additionally, Duin testified it would aid her recollection to review the social media messages. Duin Depo., at 95:9-16. These messages are likely to be useful for trial preparation.

## **2: Duin's position**

Duin does not consent to the filing of this letter.

**WHEREFORE** the Court should entertain this issue at the December 13 discovery teleconference.

*[remainder intentionally left blank, signature and certificate following]*

Respectfully submitted on December 11, 2023,

By: /s/ Matt Kezhaya  
  
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### CERTIFICATE OF SERVICE

**NOTICE IS GIVEN** that I, Matt Kezhaya, efiled the foregoing document by uploading it to the Court's CM/ECF system on December 11, 2023, which sends service to registered users, including all other counsel of record in this cause. *s/ Matt Kezhaya*